IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 839 of 1995

Between:

Agency Paidi Kula Sangham,Bhadragiri rep. by President, P. Mohan Das, S/o Sundi R/o P. Levidi, G.L. Puram Post, Vizianagaram District.

..... PETITIONER

AND

1 Govt. of Andhra Pradesh, Rep. by its Secretary
Revenue Department, Secretariat,
Hyderabad
2 Director of Tribal Welfare Andhra Pradesh
Hyderabad.
3 Collector,
Vizianagaram.
4 Mandal Revenue Officer,
Kurupam, Vizianagaram District.
5 Akhil Bharatiya Adivasi Vikas Parishad A.P. Branch, Vizianagaram District Committee rep. by its President A.Simhachalam

(R-5 is impleaded as per Court order dated 31-5-1995 in W.P.M.P.No.13284 of 1995

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction of the like nature by declaring that the action of the Respondents in not issuing caste certificates to 'Paidi' Community as Scheduled Tribe as arbitrary and cannot sustain in the eye of law and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.NAGESWARA RAO

Counsel for respondent Nos.1,3 and 4: G.P. for Revenue

Counsel for respondent No.2 : G.P. for Social Welfare

Counsel for the Respondent No.5: MR.A.RAMAKRISHNA

The Court made the following :

ORAL ORDER:

This writ petition is filed by way Mandamus seeking to declare the action of the respondents in not issuing caste certificate to 'Paidi' Community as Scheduled Tribe, as illegal and arbitrary.

The petitioner is not an individual and it is styled as Agency Paidi Kula Sangham. So far as the caste certificate is concerned, now it is covered by the provisions of the Andhra Pradesh (SC, ST & BCs.) Regulation of Issuance of Community Certificates Act, 1993 (in short 'the Act')

An individual has to apply for caste certificate so as to enable the authorities to consider the same in accordance with the provisions of the Act, An Association cannot seek a Mandamus for issuance of caste certificate to a particular community. Moreover, there is no material to show that Paidi community is included in Schedule Tribe category. It is for the competent authority to consider the application of an individual under the provision of the Act for issuance of the community certificate.

In that view of the matter, I do not find any merit in this writ petition for issuance of Mandamus as sought for. The writ petition is accordingly dismissed. No costs.

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8-12-2004

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To:

1 Secretary, Government of A.P.
Revenue Department, Secretariat,
Hyderabad
2 Director of Tribal Welfare Andhra Pradesh
Hyderabad.
3 District Collector,
Vizianagaram.
4 Mandal Revenue Officer,
Kurupam, Vizianagaram District.
5. Two C.Cs. to G.P. for Social Welfare and G.P. Revenue, High Court of A.P. Hyderabad (OUT)

6. Two C.D. copies.